

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HERMAN ALVIN TUCKER, JR.,

Plaintiff,

v.

RYAN EIKER, et al.,

Defendants.

No. 3:11-CV-1599

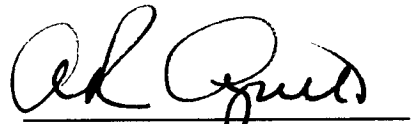
(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

ORDER

NOW this 23<sup>rd</sup> day of February, 2012, upon review of Magistrate Judge Smyser's Report and Recommendation (Doc. 10) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 10) is **ADOPTED**.
- (2) Defendants Carroll Valley Borough Police Department and Cumberland Township Police Department are **DISMISSED** from the case..
- (3) The case shall be recommitted to Magistrate Judge Smyser for further proceedings.

  
A. Richard Caputo  
United States District Judge